

Appl. No.10/698,309

Docket No. 9085M

Amdt. dated May 24, 2007

Reply to OA's mailed December 26, 2006, February 1, 2007 and May 2, 2007

Customer No. 27752

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REMARKS

Claim Status

Claims 1-17 are pending in the present application. No additional claims fee is believed to be due. Claims 18-23 are canceled without prejudice.

The Applicants have resubmitted the response to the Office Action of December 26, 2006. The Applicants have included the substance of the previous response with the addition of responding to the requirement of election of species.

Response to Requirement for Restriction of Inventions

The Examiner has required, under 35 USC §121, election of a single disclosed invention for prosecution on the merits. This hereby confirms the election to prosecute the invention designated in the Office Action as Invention I. This election is made without traverse. Claims 1-17 are drawn to this invention. Claims 18-23 have been canceled by this amendment as being drawn to a non-elected invention.

Response to Election of Species

The Examiner has required, under 35 USC §121, election of a single disclosed species for prosecution on the merits. Pursuant to this requirement, Applicants hereby elect to prosecute the species of a co-polymer comprising 95% methyl methacrylate monomer and 5% dimethyl aminoethyl methacrylate monomer. This election is made with traverse.

Traversal of Election of Species

The traversal of the indicated election of species is respectfully requested as it is considered improperly made. Applicants respectfully submit that an election of species is improper in this instance.

First, the Examiner has not laid out the species as required by MPEP § 809.02(a)(B). MPEP § 809.02(a)(B) states that the Examiner must:

(B) Clearly identify each (or in aggravated cases at least exemplary ones) of the disclosed species, to which claims are to be restricted." The species are preferably identified as the species of figures 1, 2, and 3 or the species

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of examples I, II, and III, respectively. In the absence of distinct figures or examples to identify the several species, the mechanical means, the particular material, or other distinguishing characteristic of the species should be stated for each species identified. If the species cannot be conveniently identified, the claims may be grouped in accordance with the species to which they are restricted.

The Examiner states "The species are independent or distinct because each monomer has a different chemical structure and accordingly produces polymers with different chemical structures and properties." This does identify the species for the Applicant. The Examiner states that Applicant must elect the "ultimate polymer." The Examiner states that the Applicant must elect a single structure for each and every monomeric component of the polymer.

The Applicants respectfully submit that the Examiner has not clearly identified the species for the Applicants. The Examiner has not identified or grouped for the Applicant the species by a distinguishing characteristic or figure as stated in MPEP § 809.02(a)(B). Because a species was not clearly identified the Applicants could not gauge the breadth or specificity of the election. For example, the Applicants could not decide whether the Examiner wanted an election of a polymer comprising 95% methyl methacrylate monomer and 5% dimethyl aminoethyl methacrylate monomer; or a polymer of a methyl methacrylate monomer and dimethyl aminoethyl methacrylate monomer in any ratio; or a co-polymer where one monomer is methyl methacrylate. Thus, the Applicants made an earnest election to comply with the requirement.

Conclusion

This response represents an earnest effort to place the present application in proper form. In view of the foregoing, entry of the amendment(s) presented herein reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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